

1 DAVID L. HAYES (CSB No. 122894)  
(dhayes@fenwick.com)  
2 MICHAEL J. SACKSTEDER (CSB No. 191605)  
(msacksteder@fenwick.com)  
3 FENWICK & WEST LLP  
555 California Street, 12th Floor  
4 San Francisco, CA 94104  
Telephone: (415) 875-2300  
5 Facsimile: (415) 281-1350

6 SAINA S. SHAMILOV (CSB No. 216636)  
(sshamilov@fenwick.com)  
7 TODD R. GREGORIAN (CSB No. 236096)  
(tgregorian@fenwick.com)  
8 FENWICK & WEST LLP  
Silicon Valley Center, 801 California Street  
9 Mountain View, CA 94041  
Telephone: (650) 988-8500  
10 Facsimile: (650) 938-5200

11 Attorneys for Plaintiff  
SAP AKTIENGESELLSCHAFT

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 OAKLAND DIVISION

16 SAP AKTIENGESELLSCHAFT, a  
German corporation,

17 Plaintiff,

18 v.  
19

20 i2 TECHNOLOGIES, INC., a Delaware  
corporation,

21 Defendant.  
22

Case No. 4:07-cv-04187 SBA

**STIPULATION AND [PROPOSED]  
ORDER REGARDING CONDITIONAL  
DISMISSAL PENDING FINALIZATION  
OF SETTLEMENT**

23 WHEREAS, the parties have entered into a Settlement Agreement (“Agreement”)  
24 covering this action and an action pending in the Eastern District of Texas, and

25 WHEREAS under the terms of that Agreement, that parties will stipulate to dismissal of  
26 all claims and counterclaims with prejudice following the satisfaction of certain conditions, but

27 WHEREAS satisfaction of said conditions is not expected to occur for several weeks:  
28

The parties respectfully request a conditional dismissal of the proceedings to permit the  
aforementioned conditions to be satisfied.

Accordingly, having been notified that the parties have reached a settlement in this matter,  
all claims and counterclaims are hereby dismissed with prejudice. In the event that the settlement  
is not finalized, any party may move to reopen this matter within sixty (60) days.

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

Dated: July 16, 2008

By: /s/ Michael J. Sacksteder  
Michael J. Sacksteder

FENWICK & WEST LLP

Attorneys for Plaintiff  
SAP AKTEINGESELLSCHAFT

Dated: July 16, 2008

By: /s/ Andrew W. Spangler  
Andrew W. Spangler

SPANGLER LAW P.C.

Attorneys for Defendant  
i2 TECHNOLOGIES, INC.

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Michael Sacksteder, attest that concurrence in the filing of this document has been  
obtained from any signatories indicated by a "conformed" signature (/s/) within this e-filed  
document.

I declare under penalty of perjury under the laws of the United States of America that the  
foregoing is true and correct. Executed this 16th day of July, 2008, at San Francisco, California.

Dated: July 16, 2008

FENWICK & WEST LLP

By: /s/ Michael J. Sacksteder  
Michael J. Sacksteder

Attorneys for Plaintiff  
SAP AKTEINGESELLSCHAFT

///

**ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
The Honorable Sandra Brown Armstrong  
United States District Judge  
Northern District of California

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW